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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,625	01/04/2001	Shuzo Yoshii	250A 3009	3614
7590	12/08/2003		EXAMINER	
KODA & ANDROLIA 2029 Century Park East. Suite 3850 Los Angeles, CA 90067-3024			SHERR, CRISTINA O	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s) YOSHII, SHUZO
	Examiner Cristina O Sherr	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.  
 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
 a) The translation of the foreign language provisional application has been received.  
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

. Art Unit: 3621

## **DETAILED ACTION**

1. Claims 1-8 have been examined in this examined.

### ***Specification***

2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Barber (US 6,502,193B1).

5. Regarding claim 1 –

Barber discloses a customer information collection method in which personal information of an individual who downloads and uses digital information is collected as customer information by a third party other than said individual as a result of said third party acquiring rights to use said digital information, said customer information collection method comprising the steps of receiving an indication of a desire to use digital information from an individual, prompting said individual who has indicated said

. Art Unit: 3621

desire to input his/her own personal information as customer information, collecting and compiling said input customer information, and sending a password to said individual so that said individual can use said digital information (col 2 ln 18-40), (col 3 ln 1-4).

6. Regarding claim 2 –

Barber discloses the customer information collection method according to Claim 1, wherein said digital information is downloaded by said individual via an electrical communications means (col 2 ln 33-36).

7. Regarding claim 3 –

Barber discloses the customer information collection method according to Claim 1, wherein said customer information includes at least information concerning the name, age, gender and e-mail address of said individual (col 3 ln 52-61).

8. Regarding claim 4 –

Barber discloses the customer information collection method according to Claim 1, further comprising a step in which a collected customer information data is processed, and a database is constructed and controlled (Col 5 ln 26-39).

9. Claims 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Barber (US 6,502,193B1).

10. Regarding claim 5 –

Barber discloses a customer information collection system in which personal information of an individual who downloads and uses digital information is collected as customer information by a third party other than said individual as a result of said third party acquiring rights to use said digital information, said customer information collection

Art Unit: 3621

system comprising: a means which receives an indication of a desire to use digital information from an individual, a means which prompts said individual who has indicated said desire to input his/her own personal information as customer information, a means that sends a password to said individual so that said individual can use said digital information (col 2 ln 18-40).

11. Regarding claim 6 –

Barber discloses the customer information collection system according to Claim 5, wherein said digital information is downloaded by said individual via an electrical communications means (col 2 ln 33-36).

12. Regarding claim 7 –

Barber discloses the customer information collection system according to Claim 5, wherein said customer information includes at least information concerning the name, age, gender and e-mail address of said individual (col 3 ln 52-61).

13. Regarding claim 8 –

Barber discloses the customer information collection method according to Claim 5, further comprising a means in which a collected customer information data is processed, and a database is constructed and controlled (Col 5 ln 26-39).

14. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the

Art Unit: 3621

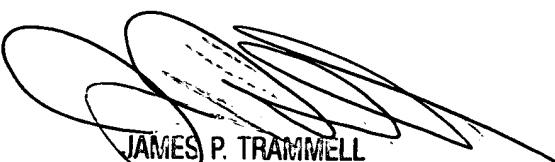
responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
16. Dedrick (US 5,768,521A) discloses a general purpose metering mechanism for distribution of electronic information.
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina O Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on Monday through Friday 8:30 to 5:00.
18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.
19. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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Art Unit: 3621



JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600